

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TERRY WALKER,)
Plaintiff,)
vs.) Civil Action No. 13-249J
STEVEN R. GLUNT, *Superintendent*;)
DORETTA CHENCHARICK, *Supt.*)
Asst./Grievance Coordinator, SCI)
Houtzdale; CORRECTIONAL OFFICER)
DIEHL; CORRECTIONAL OFFICER)
UNCLES; LIEUTENANT GLASS;)
SHIRLEY MOORE SMEAL, *Executive*)
Deputy Secretary; JOHN E. WETZEL,)
Secretary; CAPTAIN BRAUMBAUGH;) Re: ECF No. 28
HEATHER MOORE, *Mail Room*)
Supervisor,)
Defendants.)

ORDER

AND NOW, this 28th day of November, 2014, after Plaintiff Terry Walker, filed an action in the above-captioned case, and after a Motion to Dismiss was submitted on behalf of Defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge, ECF No. 34, giving the parties until November 6, 2014, to file written objections thereto, and upon consideration of the objections filed by Plaintiff, ECF No. 36, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss, ECF No. 28, is granted in part and denied in part as follows: the Motion is granted with respect to the claims brought against Defendants DOC, SCI Houtzdale, Wetzel, Smeal, Glunt, Chencharick and Moore and the Clerk is directed to dismiss these Defendants from the case; the Motion is denied

with respect to Plaintiff's state law claim for intentional infliction of emotional distress brought against Defendants Diehl, Uncles, Glass and Braumbaugh.¹

By the Court:



Kim R. Gibson
United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

Terry Walker
HW-1365
SCI Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000

All Counsel of Record Via CM-ECF

¹ Accordingly, the only claims remaining in the case are Plaintiff's Eighth Amendment claims and his state law claims for intentional infliction of emotional distress brought against Defendants Diehl, Uncles, Glass and Braumbaugh.